




## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT <b>OVERTIME</b>	POLICY NO. <b>603.04</b>	EFFECTIVE DATE <b>09/19/2012</b>	PAGE <b>1 of 5</b>
APPROVED BY:  Director	SUPERSEDES <b>603.4 01/30/1990</b>	ORIGINAL ISSUE DATE <b>04/02/1979</b>	DISTRIBUTION LEVEL(S) <b>1</b>

### PURPOSE

- 1.1 To establish standard procedures to be used concerning overtime relating to employees of the Los Angeles County-Department of Mental Health (LAC-DMH or Department).

### DEFINITIONS

- 2.1 **Employee Relations Commission:** The controlling authority for matters regarding the relationship between the County and its employees and employee organizations.
- 2.2 **Represented Employee:** Employee in a position represented by an employee organization certified by the Employee Relations Commission.
- 2.3 **Non-Represented Employee:** Employee in a position not represented by an employee organization certified by the Employee Relations Commission.
- 2.4 **Exempt Employee:** Employee who is exempt from certain wage and hour laws under the Fair Labor Standards Act (FLSA), also known as a salaried employee.
- 2.5 **Non-Exempt Employee:** Employee who receives hourly wages who is subject to wage and hour laws (FLSA), i.e., overtime pay, also known as a covered employee.
- 2.6 **Timecard:** Los Angeles County approved electronic timecard or paper timecard may be used where appropriate.



## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
<b>OVERTIME</b>	<b>603.04</b>	<b>09/19/2012</b>	<b>2 of 5</b>

### **POLICY**

- 3.1 Overtime procedures within the LAC-DMH are established in compliance with appropriate provisions of the FLSA, various Memoranda of Understanding (MOUs) between the Los Angeles County Board of Supervisors and certified employee bargaining units, and provisions of the Los Angeles County Code. For employees whose classifications are represented by a certified bargaining unit, the provisions of the applicable MOU take precedence over the provisions of the Los Angeles County Code.
- 3.2 Overtime is permitted when there is a genuine emergency condition or other extenuating circumstances as determined by the manager. The Director of Mental Health, or designee, may approve any employee in the Department to work overtime for more than the regular number of hours in an assigned workday or week when program operations and services require such work.
- 3.3 Overtime worked within the LAC-DMH for covered employees is earned, credited, paid, taken off and recorded in increments of 15 minutes. No overtime credit is allowed for periods less than 15 minutes. Unit Timekeepers should assure that a Request for Overtime or Time Off (ROTO) form is on file or available on line (See Attachment 1) for employees claiming overtime on the timecard.
- 3.4 Employees covered by FLSA will be compensated appropriately for all hours worked including overtime, whether authorized or not.
- 3.5 The LAC-DMH Classification and Salary Listing will provide the current status ("exempt" or "covered") of each classification within the Department and will identify the overtime provisions that apply or will identify the MOU to be consulted when special provisions apply. The Classification and Salary Listing will be revised to keep current with salaries as they are approved for represented and non-represented classifications by the Los Angeles County Board of Supervisors.



## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
<b>OVERTIME</b>	<b>603.04</b>	<b>09/19/2012</b>	<b>3 of 5</b>

### **GUIDELINES AND PROCEDURE**

#### **4.1 Management Procedure for Obtaining Departmental Authorization for Paid Overtime**

4.1.1 Authorization is required from the Chief Executive Office (CEO) in order for LAC-DMH employees to be compensated for overtime worked. Budget and Financial Reporting Division (BFRD) in the Financial Services Bureau can provide the required format to request such approval. Each request for paid overtime must be approved by the Deputy Director in the employee's chain of command before it can be processed by BFRD for CEO approval.

4.1.2 After BFRD receives CEO authorization, a copy is forwarded to the requestor. The requestor will provide authorization to compensate overtime hours worked by the employee, as approved by CEO, to the Payroll unit via the ROTO form. Employees will enter the appropriate overtime compensation code, hours worked, and the reason code via the timecard.

#### **5.1 Employee Procedure for Obtaining Individual Authorization for Overtime**

5.1.1 In order to work overtime, LAC-DMH employees must have prior approval of the immediate supervisor or manager except when emergency situations exist. The ROTO form is to be used for approval to work overtime. When overtime is worked in an emergency situation, the request for approved overtime must be submitted no later than the following business day. The justification space on the form must include the reason that overtime is needed and identify what is to be accomplished as a result of working overtime.

5.1.2 The ROTO form is to be retained at the work site as documentation of approval. The forms should be retained for three (3) years. The forms may be retained by the Unit Timekeeper. The ROTO form must also be given to the Payroll Unit to ensure authorization exists.

5.1.3 The amount of accrued overtime an employee can have on the books at any one time, or carry over into subsequent years, is subject to varying limits as per applicable MOU and/or County Code provision. Refer to the applicable MOU provision or County Code for specific language.



## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
<b>OVERTIME</b>	<b>603.04</b>	<b>09/19/2012</b>	<b>4 of 5</b>

5.1.4 Where overtime may be lost due to inability to take time off because of workload or schedules, an employee may request CEO authorization to be paid instead of losing the accrued overtime. Requests to pay overtime subject to being lost must be submitted to the Departmental Human Resources Manager III no later than November 15 of each year. The request must include a cover memo with adequate justification for payment of the time and be signed by the appropriate Deputy Director.

5.1.5 Overtime worked must be appropriately recorded on the employee's timecard and must be reviewed and approved by the supervisor to assure that the time recorded was actually worked and the appropriate coding for paid or accrued overtime is used. With the implementation of the electronic timecard, all overtime recorded must include the reason code.

### 6.1 Management Responsibilities

6.1.1 A supervisor who allows an employee to work overtime without authorization, or is aware of an employee working overtime without authorization, and takes no action to prevent such unauthorized work, may be subject to disciplinary action. Examples of unscheduled work time include, but are not limited to, an employee working from home before or after the employee's scheduled work period or scheduled work day, or working during the employee's unpaid lunch period.

6.1.2 Consistent with DMH Policy No. 608.01, Outside Employment, LAC-DMH employees are not to work in excess of 24 hours overtime in a work week. The Department's current work week begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday. The Chief Deputy Director, Mental Health, must specifically approve any request to work overtime in excess of this limitation.

6.1.3 Once established, the work week should not be changed to avoid payment of overtime.

6.1.4 A supervisor cannot keep an unofficial record of overtime.



## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT <b>OVERTIME</b>	POLICY NO. <b>603.04</b>	EFFECTIVE DATE <b>09/19/2012</b>	PAGE <b>5 of 5</b>
----------------------------	-----------------------------	--	-----------------------

### **AUTHORITY**

1. Federal Fair Labor Standards Act (FLSA)
2. Memoranda of Understanding
3. Los Angeles County Code

### **REFERENCE**

1. DMH Policy No. 608.01, Outside Employment

### **ATTACHMENT (Hyperlinked)**

1. [Request for Overtime or Time Off \(ROTO form\)](#)

### **RESPONSIBLE PARTY**

LAC-DMH Human Resources Bureau